

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>IN RE: BLOOD REAGENTS ANTITRUST LITIGATION</b>	<b>:</b>	<b>MDL No. 09-2081</b>
	<b>:</b>	
	<b>:</b>	<b>ALL CASES</b>
	<b>:</b>	

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**ORDER**

**AND NOW**, this 23rd day of August, 2010, upon consideration of Motion by Defendants Ortho-Clinical Diagnostics, Inc. and Johnson & Johnson Health Care Systems, Inc. to Dismiss the Consolidated Amended Complaint (Document No. 58, filed March 17, 2010), Defendant Immucor, Inc.'s Motion to Dismiss the Consolidation Amended Class Action Complaint (Document No. 59, filed March 17, 2010), Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Dismiss the Consolidated Amended Class Action Complaint (Document No. 82, filed June 23, 2010), Reply Memorandum of Law in Support of Immucor, Inc.'s Motion to Dismiss the Consolidated Amended Class Action Complaint (Document No. 84, filed July 9, 2010), Reply Memorandum in Support of Motion by Defendants Ortho-Clinical Diagnostics, Inc. and Johnson & Johnson Health Care Systems, Inc. to Dismiss the Consolidated Amended Complaint (Document No. 85, filed July 9, 2010), Defendants' Motion for Stay of Discovery Pending the Court's Ruling on Their Motions to Dismiss and Completion of Parallel Criminal Investigation (Document No. 57, filed March 17, 2010), Plaintiffs' Memorandum in Opposition to Defendants' Motion for Stay of Discovery Pending the Court's Ruling on Their Motions to Dismiss and Completion of Parallel Criminal Investigation (Document NO. 67, filed April 16, 2010), Reply Memorandum in Support of Defendant's Motion for Stay of Discovery Pending the Court's Ruling on Their Motions to Dismiss and Completion of Parallel Criminal Investigation (Document No. 71, filed May 6, 2010), and after oral argument on these motions on July 28, 2010, for the reasons set forth in the

Memorandum dated August 23, 2010, **IT IS ORDERED** as follows:

1. Defendant Immucor, Inc.'s Motion to Dismiss the Consolidation Amended Class Action Complaint (Document No. 59, filed March 17, 2010) is **DENIED**;

2. Motion by Defendants Ortho-Clinical Diagnostics, Inc. and Johnson & Johnson Health Care Systems, Inc. to Dismiss the Consolidated Amended Complaint (Document No. 58, filed March 17, 2010) is **GRANTED IN PART** and **DENIED IN PART**, as follows:

a. The Motion is **GRANTED** as to defendant Johnson & Johnson Health Care Systems, Inc. Plaintiffs' Consolidated Amended Class Action Complaint against that defendant is **DISMISSED WITHOUT PREJUDICE**;


b. The Motion is **DENIED** as to defendant Ortho-Clinical Diagnostics, Inc.;

3. Defendants' Motion for Stay of Discovery Pending the Court's Ruling on Their Motions to Dismiss (Document No. 57, filed March 17, 2010) is **DENIED AS MOOT**;

4. Defendants' Motion for Stay of Discovery Pending the Completion of Parallel Criminal Investigation (Document No. 57, filed March 17, 2010) is **DENIED** on the present state of the record.

**IT IS FURTHER ORDERED** that a second case management conference with liaison counsel, and any other attorneys who want to participate, will be scheduled in due course. In preparation for the conference, counsel shall meet, confer, and provide to the Court (Room I2613, 601 Market Street, Philadelphia, PA 19106) a proposed case management order on or before September 7, 2010. Any disagreement between the parties regarding the content of the proposed case management order shall be explained when it is submitted.

**BY THE COURT:**

  
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JAN E. DUBOIS, J.

8-23-10  
faxed to Jan Counsel.  
See Attachments

MODE = MEMORY TRANSMISSION

START=AUG-23 17:01

END=AUG-23 17:25

FILE NO.=526

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**FAX COVER SHEET**

**DATE:** August 23, 2010

**TO:** Jeffery J. Corrigan, Esq. 215-496 6611  
Paul Saint-Antoine, Esq. 215-988-2757

**FROM:** George Wytesol, Deputy Clerk to Honorable Jan E. DuBois  
**Phone:** 267-299-7339  
**Fax No.:** 215 580-2141

**Message:** In Re: Blood Reagents Antitrust Litigation MDL 09-2081

**Total Number of Pages (Including Cover Sheet):** 74